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III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 2 OF 1935).

Sriman M. G. PATNAIK Mahasayo:—"Sir, I beg to present the 12-30 report^a of the Select Committee on the Bill further to amend the Madras^{p.m.} Estates Land Act, 1908, for certain purposes (Bill No. 2 of 1935) and move that the Bill as amended by the Select Committee be taken into consideration."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion."

The motion was put and carried and the Bill was taken into consideration.

Clause 1.

Mr. P. PEDDI RAJU:—"Sir, I beg to move:—

'Add the following paragraph at the end of clause 1:—

"It shall come into force on the 1st day of March 1936."

My object in moving this amendment is this: We have been passing through a period of economic depression for some years now. My hon. Friend brought in this Bill long ago. It was originally thought that, at the time of the amendment of the Act in 1933, such an amendment as the Bill now provides for, would be carried out in the amending Bill itself. But it has been delayed and now only we have reached the stage of passing the Bill into law. I want to see that the provisions of the Act come into force even in the current year. According to the provisions of the current Bill, the ryots will be entitled to ask for remission of rent; soon after the end of March 1936, they can give notice to the zamindar and apply to the Collector a little later. If we make the Bill take effect retrospectively, it will enable the tenants in the presidency to apply its provisions even now. I am afraid, Sir, that it may take a little time to get the assent of the Viceroy before this Bill becomes an Act and therefore I am suggesting that the tenants may be enabled to give notice. My point is this: anyhow the Bill is shortly coming into force. Why not in the circumstances enable the tenants to get the benefit of it even in the current year?"

Mr. K. KOTI REDDI:—"I second it."

* The RAJA OF KHALLIKOTE:—"Mr. President, I wish to oppose this motion. The zamindar's financial year is always the fasli year, i.e., from July to June. His budget and his administration of the estate will certainly be upset if he has to give remissions in the middle of his official or financial year. It will certainly be a great hardship to the zamindar to give effect to the provisions of the Bill as from 1st March this year. Further, it is not usual to give retrospective effect to legislation of this kind. Then there is a technical difficulty. I do not think it is fair to force the hands of His Excellency the Governor and His Excellency the Governor-General to hurriedly give their assent to the Bill at once, giving up all their other work. With these few words, I oppose the motion."

^a Published in the Fort St. George Gazette, dated 21st January 1936.

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* The Hon. Sir CHARLES SOUTER:—“ Mr. President, I think myself that this proposed amendment is not well-advised. I think that it would be much better if an amendment is moved in more general terms such as that this Act shall come into force from a date to be notified by the Local Government and so on. I think that the Raja of Khallikote's objection to it is based on good grounds. It seems to be anomalous that they should bring in a motion of this kind in the middle of a fasli year. If the hon. Mover had proposed an amendment to the general effect that this Act shall take effect from a date to be notified by the Local Government, I should have been prepared to accept it; but Sir, I must oppose this amendment that it shall take effect from 1st March 1936.”

Sriman M. G. PATNAIK Mahasayo:—“ Sir, I am really sorry to say that the objection of the Hon. the Revenue Member and of the Raja of Khallikote is not well-founded. They have really forgotten the later provisions of this Bill in putting forward this objection. Of course so far as this Bill is concerned, the provision is that the average of the twelve months should be taken from the 1st April of the preceding fasli to the 31st March of the succeeding fasli. Therefore the usual revenue year cannot apply here. You have on the other hand to take into consideration the rent prevailing between 1st April and 31st March. Notice has to be given to the landholders of the intention of the ryot to claim remission. In these circumstances, I am really surprised that they should have based their objection on the ground that the fasli year commences later. I think there is a good deal of reason for accepting the amendment to fix 1st March 1936 as the date when the Act should come into force. If the assent is received at any time in April, it would be difficult for the ryots to give notice. There are also other reasons why this amendment should be accepted, though of course my hon. Friend the Mover did not want to refer to them. But, so far as I am concerned, I may state that one of those reasons is that, as everybody knows, a portion of Ganjam is going into the Orissa province shortly and the estate of the Raja of Khallikote will be the first to so go over to that new province. Therefore, naturally, if the Bill does not receive assent before 1st April, it may not apply to this estate in spite of the fact that if any ryots in any estate require any relief, it is the ryots in the estates of Khallikote and Attagada. I think they are the hardest hit by the settlement recently made under the orders of Government and under the supervision of the Board of Revenue. Sir, this Bill was introduced so long ago as January 1931 and was sought to be referred to a select committee in August. You all know that there was some trouble about it and that ultimately it was referred to a select committee and has reached this stage. Therefore, unless some such provision is made, there is a likelihood of this Bill not applying to certain parts of zamindari areas to which they ought to apply. I therefore heartily support this amendment.”

Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, I am constrained to oppose the amendment. The hon. Member from Ganjam

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is a very enthusiastic champion of the ryots' claims. I quite appreciate it. But I do not think this amendment can command my support because, as he said, it affects an individual. I therefore oppose it. The hon. Member, Mr. Mandhadhatha Patnaick said that it was his intention that this Bill should affect the Khallikote estate because of the higher rate of rent prevailing there according to him or according as he is instructed to say. Is that the main object of the Bill?"

Sriman M. G. PATNAIK Mahasayo:—"A word of personal explanation, Sir. I never said that the Bill was brought forward only to give relief to the ryots of Khallikote and Attagada. I only said that those ryots are the hardest hit. I know it from my personal experience. I do not require anybody's instruction for that. I appeared before the settlement officer in several settlement proceedings. My hon. Friend, Sir Patro, though he represents Ganjam, has been out of Ganjam for a long time and knows very little of Ganjam now."

* The Hon. the PRESIDENT:—"That does not form part of a personal explanation." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"I appreciate the enthusiasm of Mr. Mandhadhatha, but I cannot appreciate his wisdom in bringing forward this Bill with the object that he stated.

"Now, Sir, we have made it lawful that the rent payable after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed. We have also made provision that in case of fall in prices, failure of crops, etc., the ryot is entitled to make an application to the Collector. Between the date of bringing in that application to the Collector and the date on which the Act comes into force there is no connexion at all. [Mr Patnaick: Read sub-clause (3).] My hon. Friend is too much obsessed with this Bill that he oftentimes gets into a sort of frenzy. I can only forgive him his frenzy."

* The Hon. the PRESIDENT:—"But I would advise the hon. Member not to work him up to that frenzy." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"Sir, I accept your kind advice. I do not want to give room to let him so far forget himself. But at the same time, I must say that no application under sub-section (1) shall be maintainable unless sixty days' notice in writing has previously been sent to the landholder by registered post on or before the 30th day of April of the revenue year. Sir, whatever may be time when the Bill comes into operation, the ryot has got the right to make an application within those dates. Those dates are in the Act itself and they cannot be altered. But to say that because the Khallikote Estate is going to be tacked on to Orissa, therefore the amended Act must come into force immediately before Khallikote goes over to Orissa, is not at

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all understandable. Khallikote is going away to Orissa, fortunately or unfortunately, and the hon. Member Mr. Patnaik knows the reasons better than anybody else. Whatever it is, if Khallikote goes away to Orissa and if this Bill is not made applicable to Khallikote before it goes to Orissa, who is to be blamed for that? Why was the Bill delayed from 1931? What reason could the mover of the Bill advance to convince this House for the delay in the disposal of this Bill, a private Bill? It is not a Government measure, but it is a private Bill brought forward with the sole desire of giving relief to the ryots of this province as a whole. What was it that stood in the way of his bringing this very desirable remedy earlier to the ryot population of this province? Who is responsible for it? It is criminal negligence on the part of the individual who is responsible for this Bill that he did not bring it forward much earlier. I pause for an explanation."

Sriman M. G. PATNAIK Mahasayo:—"I will give you an explanation." (Loud laughter.) (Cries of 'order, order'.)

Mr. T. S. RAMASWAMI AYYAR:—"Is the House interested in these personal matters? There are live questions awaiting the decision of this Council. I do not know how we are justified in proceeding like this."

* The Hon. the PRESIDENT:—"It is unfortunately the personal matter that has been brought up by Mr. Patnaik that is being replied to."

Rao Bahadur Sir A. P. PATRO:—"The hon. Member for the University is an intellectual person . . ."

* The Hon. the PRESIDENT:—"I hope the hon. Member will pursue his arguments, instead of pursuing members."

Rao Bahadur Sir A. P. PATRO:—"This Bill was before the Select Committee only a few weeks before and at that time also the fact of the bifurcation of Ganjam was known to the hon. Member who sponsored this Bill. The reason that has been adduced by my hon. Friend for the introduction of this amendment at this stage did not strike him at the time it was discussed in the Select Committee. No reason has been assigned in the report of the Select Committee for an amendment of this nature. No reference whatever was made in regard to the particular difficulty which is now imagined or is now argued to exist. That is my first argument. My second argument is that the privileges of the ryot are retained in clauses (1) and (2), viz., that he has got the right of application to the Collector for the purpose of reduction of revenue when the particular circumstances justifying reduction come into existence, viz., a phenomenal fall in prices. These two rights are there and nothing has been taken away. I do not see any reason why the Bill should be brought into operation so soon. For the purpose of the Governor giving his assent to the Bill to be made applicable to the presidency as a whole, he must have the privilege of consultation and consideration as regards the effect of this Bill on all the estates existing in the whole province. That is sought to be taken away now and

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he is being hustled. Secondly the Governor-General is to be asked to give his assent to the Bill and it appears as if you are asking him thus: 'I have introduced this Bill and therefore, you must give your assent to the same.' These are the two large orders which this amendment proposes and to which as an ordinary Member I am not able to subscribe. We have agreed on the principle of the Bill that protection should be given to the ryot whenever there is a fall in prices below a certain level. I strongly support the principle of the Bill but to introduce other provisions in the Bill which will affect the rights or interests of other people and to deprive them of their existing rights seems to be going too far. I am therefore not in favour of this amendment."

Mr. T. S. RAMASWAMI AYYAR:—"I move that the question be now put."

* The Hon. the PRESIDENT:—"Let the hon. Member, Mr. Peddi-
raju, answer."

Mr. P. PEDDI RAJU:—"Unfortunately the personal quarrel between the hon. Members representing Ganjam has interfered with the discretion of other hon. Members in coming to a decision on this matter. I do not care whether this Bill, if brought into force as I have suggested, applies to the ryots of the Khallikote and Attagada estates or whether it applies only to the rest of the presidency. As I said, on account of the economic depression owing to which the ryots are suffering, if the Bill is brought into operation on the first day of March 1936, it may enable them to apply to the Collector for a reduction in rent. On the other hand, the Hon. the Revenue Member suggests that Government should have power to put in a date as they like. That is much more injurious. They may not put the Act into force at all. They may put in a notification, if they want to do so, whenever they like. Therefore I would ask the House whether my amendment is not beneficial to the tenants. We ought not to be guided by the arguments of our hon. Friends from Ganjam, because this House is interested more in the rest of the presidency than a portion of it which is likely to go to Orissa."

The amendment was put and declared lost.

A poll was demanded which was taken and the House divided as follows:—

Ayes.

- | | |
|---------------------------------------|--------------------------------------|
| 1 Diwan Bahadur C. Natesa Mudaliyar. | 9 Mr. W. P. A. Soundara Pandian. |
| 2 A. Appadurai Pillai. | 10 " P. K. Ramachandra Padayachi. |
| 3 Mr. K. C. M. Venkatachala Reddiyar. | 11 Rao Bahadur D. Krishnamurti. |
| 4 Mr. G. Ranganatha Mudaliyar. | 12 Sriman M. G. Patnaik Mahasayo. |
| 5 Rao Sahib N. Siva Raj. | 13 The Kumararaja of Venkatagiri. |
| 6 The Maharaja of Parlakimedi. | 14 The Zamindar of Mirzapuram. |
| 7 Mr. P. C. Moses. | 15 The Zamindar of Bodinayakkanur. |
| 8 " V. G. Vasudeva Pillai. | 16 Mr. G. Sriramulu. |
| | 17 C. Indrayya. |
| | 18 Rao Sahib C. Jayaram Nayudu. |
| | 19 Mr. S. A. A. Annamalai Chettiyar. |

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20 Rao Sahib D. V. Narasimhaswami.	37 Mr. U. C. Subrahmanya Bhatt.
21 „ „ Pandit Ganala Ramamurti.	38 Mrs. Rukmani Lakshmiopathi.
22 Mr. A. Harischandrudu Nayudu.	39 Mr. P. Ratnavelu Thevar.
23 „ K. Kesavaramamurti Nayudu.	40 „ C. Obi Reddi.
24 „ Yakub Hasan.	41 Raj Kumar M. A. Muthiah Chettiar of Chettinad.
25 „ Abdul Hameed Khan.	42 Mr. M. S. Sreshta.
26 „ T. S. Ramaswami Ayyar.	43 Rao Bahadur G. Jagannadha Raju.
27 „ A. B. Shetty.	44 Rao Sahib V. I. Muniswami Pillai.
28 „ Ahmed Meeran.	45 Mr. A. Ramakrishna Reddi.
29 „ P. Peddi Raju.	46 „ H. M. Jagannatham.
30 „ K. A. Nachiyappa Gounder.	47 „ T. Narasa Reddi.
31 „ C. R. Parthasarathi Ayyangar.	48 Diwan Bahadur M. Gopalaswami Mudaliyar.
32 „ G. R. Premayya.	49 Rao Bahadur Subadar-Major S. A. Nanjappa Bahadur.
33 „ K. Kobi Reddi.	50 Diwan Bahadur S. Ellappa Chettiar.
34 „ G. Rameswara Rao.	
35 „ C. Basu Dev.	
36 Rao Bahadur R. K. Venugopal Nayudu.	

Noes.

1 The Hon. Sir K. V. Reddi Nayudu, Kt.	13 Mr. R. Madanagopal Nayudu.
2 „ „ Rao Bahadur A. T. Pan-nirselyam.	14 „ „ T. B. Russell.
3 The Hon. Sir Charles Souter.	15 „ „ T. Sundara Rao Nayudu.
4 „ „ Mr. G. T. H. Bracken.	16 Khan Sahib Syed Taj-ud-din Sahib Bahadur.
5 „ „ Diwan Bahadur S. Kumaraswami Reddiyar.	17 Diwan Bahadur R. Srinivasan.
6 The Hon. Mr. P. T. Rajan.	18 Mr. W. K. M. Langley.
7 „ „ The Raja of Bobbili.	19 „ „ G. F. F. Foulkes.
8 Mrs. K. Alamelumangathayaramma.	20 Rao Sahib V. Dharmalingam Pillai.
9 Mr. W. Scott Brown.	21 Sir A. P. Patro.
10 „ „ H. R. Uzielli.	22 The Raja of Khallikote.
11 „ „ C. E. Jones.	23 Rao Bahadur P. C. Muthu Chettiar.
12 „ „ G. T. Boag.	24 Mr. K. P. Raman Menon.
	25 „ „ P. M. Thangal.

Ayes. 50. Noes. 25.

The amendment was carried.

Clause 1 as amended was put and carried.

Clause 2.

The RAJA OF KHALLIKOTE:—" Mr. President, Sir, I beg to move the amendment given notice of by me, namely:—

'that in clause 2, new section 39-A (1), in line 2, after the words "notwithstanding anything contained in this Act", the words "and without prejudice to the rights or liabilities of the landholders or ryots under this Act" be added.'

Where rent is commuted under section 40 of the Act, it cannot be altered for 20 years thereafter as per section 41, except on grounds mentioned in clause 2 and clause 3 of section 30 or on the ground of alteration in the area of the holding under clause 1 (a) and (b) of section 38. Similarly where rent is settled under Chapter XI it cannot as per section 177 be altered for 20 years thereafter except on the same grounds on which a commuted rent could be altered. The effect

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of these two sections, namely, sections 41 and 177, is that rents commuted or settled cannot be altered for 20 years on the ground that there has been subsequently a rise or fall in prices, but that the said rents can be altered on other grounds, namely:—

- (a) that the productive powers of the lands have increased on account of improvements effected at the expense of the landholder or decreased owing to some natural or extraordinary causes;
- (b) that irrigation works have been improved at the expense of the landholder or have deteriorated; or
- (c) that the area of the holding has been altered.

“This Bill is intended to meet the hardship to the ryot on account of the prohibition contained in sections 41 and 177, namely, that he cannot ask for reduction of rent on account of fall in prices. 1 p.m.

“But there is no reason to do away either with the rights or liabilities of either the landholder or the ryot under the other provisions of sections 41 and 177. That is, there should not be, owing to this Bill, any changes either in the rights or liabilities of either party, if for example an irrigation work is improved at the expense of the landholder or the fertility of the soil is improved at the expense of the landholder. Take a practical illustration. Suppose a holding normally yields ten cart-loads of paddy and the paddy sells at Rs. 20 a cart-load. The value of the yield on that holding would be Rs. 200. In the hope that normal conditions would continue the landholder effects improvements either in the irrigation works or in the fertility of the soil at great expense to himself. After such improvements had been effected, the holding yields 20 cart-loads of paddy instead of ten, but in a particular year the price of paddy falls from Rs. 20 to Rs. 15. Then even if the value of the yield has gone up in that year from Rs. 200 to Rs. 300, the ryot would be entitled to ask for reduction of rent on the ground of a fall in prices, though he gets very much more than what he did before the improvements were effected. I submit that this state of things would be a real injustice and hardship to the landholder. He puts himself to enormous expense to improve the yielding capacity of land but has to suffer at the same time owing to extraordinary circumstances which bring about a temporary fall in prices. This state of things would not only work an injustice on the landholder but would scare him away from effecting any improvements. It should not be the aim of the Bill to prevent the landholder from taking interest in the improvement of the land and its yielding capacity. I, therefore, submit that the rights and liabilities of both the landholder and the ryot given to them under the existing permanent provisions of the Act be preserved.

“Besides, there is one other peculiarity. If you do not have the amendment suggested by me, even the main provisions of the Civil Procedure Code will not apply to this new Bill. A party should not be deprived of his general right of suit to obtain redress, where he has

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suffered a grievance. As far as I know this is not the case in any other tenancy law of India and it is not fair that this new section 39-A (1) alone should be exempted from all other general laws of India. The Select Committee's report admits the fact that the provisions of this Bill would certainly affect the rights and liabilities of both parties. I do not think it is fair that such general rights and liabilities provided for in the ordinary laws of the country should be made inapplicable to this new section alone.

"Sections 30 and 38 make provision for enhancement and reduction of rent under different causes, viz., rents may be enhanced owing to increased productive capacity of land, owing to special irrigation sources that have been constructed and on the ground that the land has improved through fluvial action, etc. Similarly section 38 provides for reduction of rent if the land has deteriorated or if the landholder fails to supply water, etc. The Bill as drafted will deprive both parties of the benefits of relief provided for under the permanent provisions of sections 30 and 38. After all, if relief is sought to be given for any particular year entirely due to fall in prices there is no reason why both parties should not resort to other permanent provisions of the Act, where there may be enhancement or reduction of rent due to causes other than prices only. This amendment I am moving existed in the original draft of the Hon. the Revenue Member and there is no reason why it should be deleted now. With these words, I move my amendment."

Sir A. P. PATRO:—"I second it."

Sriman M. G. PATNAIK Mahasayo:—"Sir, I do not know with what object this amendment has been moved. I submit that if this amendment is accepted by this House, there will be no use for the Bill at all hereafter. If all the rights and liabilities of the landholder and the ryot which exist under the present Act are to be preserved, I do not see what use there will be for this Bill. His proposal amounts to asking that this Bill be shelved, though he does not say so in so many words."

"Sir, this amendment that has just now been moved was very carefully examined in the Select Committee both by the Hon. the Revenue Member and the Advocate-General. Both of them were of opinion that this amendment was unnecessary and that it ought not to be there. It is stated here: 'Notwithstanding anything contained in this Act . . . That is to say whatever may be the provisions of the Madras Estates Land Act, the present provisions are going to be introduced to make some slight changes in them. The scheme of this Bill is to grant remissions for one year only. Therefore the permanent rights and liabilities of the landholder or the ryot will never be affected by these provisions. I hope that the hon. the Mover of the amendment will withdraw his amendment.'"

Mr. K. P. RAMAN MENON:—"Sir, I am at a loss to understand the real situation and that is why I rise to intervene in this debate. As far

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as I have been able to gather from reading the provisions of the Estates Land Act, I understand that there are provisions there which enable the landholder to increase the rent on account of the money which he has invested in improving irrigation works or in improving the fertility of the soil. Whether as a matter of fact by virtue of the provisions which we are introducing in this Bill by which the ryot can claim reduction of rent on account of fall in prices, the right of the landholder to enhance his rent under certain circumstances is taken away, is a point on which I want to have a clear answer. As far as I have been able to understand, the Raja of Khallikote's point is this. He says there are sections which provide that if a landholder lays out a certain amount of money on the improvement of his land, he is entitled to get enhanced rent. He has also given a concrete example. For instance suppose one holding gives ten cartloads of paddy. Suppose also the price of a cartload is Rs. 20. Then the value of the yield from the land is Rs. 200. Then what the Raja of Khallikote says is this. Suppose the landholder invests Rs. 1,000 or Rs. 2,000 on the land and increases the yield of the land, either by constructing an irrigation work or by improving the fertility of the soil. Suppose the land yields 20 cartloads of paddy where it originally yielded only ten cartloads. If the price remained the same, Rs. 20, the value of the total yield would be Rs. 400. On the other hand, suppose instead of the price remaining the same, it went down to Rs. 15. Then what the Raja of Khallikote says is that this section authorizes the tenant to apply for a reduction of rent on the ground of fall in prices although the total yield from the land has risen from Rs. 200 to Rs. 300. Is that logical? That is the question that has been propounded and unless a definite answer is forthcoming to that question, I am afraid, Sir, hon. Members like myself who have no experience of the working of the Estates Land Act in their districts will not be in a position to give a vote on this question. I want to know definitely whether as a matter of fact when the rent has been commuted into money, the ryot will be able to apply for reduction of rent on the ground of fall in prices although, as I have pointed out, the money value of the total yield of the land has gone up on account of the improvements effected by the landholder. If that is so, it seems to me to be an untenable position to take up. We must make provision for cases where the landlord has made improvements in the land and made it fit to bear enhanced rent. (Interruption.) Yes, I am talking of commuted and settled rents, rents settled according to the provisions of this Act. We require some explanation on the point raised."

Mr. P. PEDDI RAJU:—"Sir, this amendment was considered by the Select Committee and the hon. the Advocate-General also was consulted on the point and asked to give his considered opinion about it. He said at first that it was unnecessary and finally gave it as his considered opinion that the clause was bad in drafting and that it embodied in the Bill it would create complications and that it ought not to be there. My submission to this Council is when the learned

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Advocate-General has said that the amendment would create difficulties in the working of the Act and that it ought not to be there, we ought not to accept it.

"As regards the doubts raised by my hon. Friend, Mr. Raman Menon, as to whether the Bill will affect certain rights of the landholder, I have to say, Sir, that so far as we can see, it would not affect them in any way. On the other hand, the introduction of this clause will not help anybody, but it may create difficulties and complications. So far as the remaining clauses are concerned, when a landholder effects improvements to irrigation works or improves the fertility of the soil, he is not deprived of the right to enhance his rent. The only thing that the Bill says is: if the rent is commuted it takes place on the basis of the prices existing at the time of the commutation; if there is a settlement of rent under Chapter XI, the settlement is made on the basis of the prices then prevailing. If under these circumstances, when money rents are fixed on the basis of the prices prevailing at the time of the commutation or settlement, it is but right that the ryot should get remission when the prices fall. The difficulties raised by the Raja of Khallikote will in no way help him or anybody else. On the other hand, as the Advocate-General has said—I am sorry he is not here to-day to explain the legal position clearly; he has considered the matter carefully; he has taken time over it—the provision ought not to be there. I oppose the amendment."

* The Hon. Sir CHARLES SOUTER:—"Sir, I also must oppose the amendment. I think it has been moved under a misapprehension. Let me now state the situation as it really is. Under the Act, in certain special cases, the zamindar can get increase of rent for certain moneys specially spent by him on the land. Under other provisions of the Act, when the zamindar neglects the land the ryot can get a reduction of rent. Those rights, either of the landholder or of the ryot, are in no way interfered with by this present Bill.

1-15 p.m. "Let me give a concrete example. Suppose now that under Section 30—or Chapter XI—varam rent has been converted into money rent, say Rs. 10 an acre. Subsequent to the commutation, the landholder effects improvements to his land or to his tanks or in other ways and consequent on these improvements he can, under the Act as it stands at present, claim a rent of Rs. 15. Rupees 15 would, under the Act, be fixed as legitimate rent on that piece of land. Suppose now that after that rent has been fixed, prices fall down abnormally in which condition this present Bill is to apply, and the ryot would be entitled to a reduction of Rs. 2. The ryot will then have to pay Rs. 15 minus Rs. 2 and not Rs. 10 minus Rs. 2. In other words the zamindar's right to that Rs. 15 still subsists. If this Bill is passed, the consequence will be the reduction he will have to allow to the ryot owing to fall in prices will be from Rs. 15 and not from Rs. 10. I think to introduce this amendment in these general terms, as Mr. Peddi Raju stated, will lead to legal quibbles. This Bill proposes that the rent should be collected at a certain rate if abnormal condition

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exists, that is to say, if there is a large fall in prices. That condition will apply to all rents fixed, whether in consequence of improvements of the zamindar or in consequence of the neglect of the zamindar, both in the case of increased rent or in the case of reduced rent. The object of this Bill is that the ryot should get the benefit of a reduced rent if there is fall in prices. Therefore I think this amendment is unnecessary."

* The RAJA OF KALLIKOTE:—"In view of the most convincing answer of the Hon. the Revenue Member, I beg to withdraw my amendment."

The amendment was by leave withdrawn.

Mr. P. PEDDI RAJU:—"Sir, I beg to move the amendment standing in my name:—

'In clause 2—Section 39-A (1) after the words "where the rent of any land has been," insert the following:—

"enhanced under Section 30 or".'

Hon. Members of this House will see from the report of the Select Committee that such a provision was sought to be introduced in the Select Committee. It was negatived by a majority. I wish to deal with the effect of my amendment. Under the present amending Bill the ryot may apply to the Collector for remission. There are several Members of this House who are not conversant with the Estates Land Act. Some Members may be under the impression that this is a question of only remission of rent for a particular field dependant upon the fall in prices. So, the ryots and the landholder are not affected at all by the introduction of this Bill. All that you are asking the zamindars by this Bill is, just as the Government are giving us remission on account of economic depression, on account of fall in prices, they should also give remission to their tenants. No doubt some zamindars are said to be actually giving. This Bill will apply only in cases where the zamindars do not care for the interest of the tenants. This Bill will apply in cases where the zamindar owns a single village and he cannot afford to allow remission to his tenants. This Bill will apply to zamindars who are autocratic and do not care for the tenants. It will not affect the prudent, economical and well-managed estate at all. When the varam tenure was commuted, the average prices were taken into consideration. Hon. Members of this House know that prices were rising from the year 1908 onwards. This commutation took place when the rise in prices was very high, that is, during the last ten years. These rates were fixed when the prices were high. Some estates have not been surveyed. Settlement operations went on in some estates. These settlement operations went on during the last decade. So, they took into consideration the average prices during the last 20 years and fixed the rent. We are providing for these two cases. Therefore it is quite necessary that my amendment should be accepted. Hon. Members of this House ought to know very well that before the

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passing of the Estates Land Act there was no provision for enhancement of rent by the zamindar. The Act of 1908 gave permission to the zamindar to apply to the Collector to enhance rent. The rent might have been fixed taking into consideration the high level of prices in some years past. From the year 1919 to 1930 the prices were high. The zamindars took advantage of this rise in prices and applied to the Divisional Officers to enhance the rent in their estates and these enhancements were made. Because they took the average of the years 1919 to 1930, the average price came to Rs. 7 or Rs. 8 per bag. Now the price may be Rs. 3 or Rs. 4. Such cases are not covered by the Bill as revised by the Select Committee. My submission is that such cases also—cases under Section 30 also—should be included. Otherwise, as has been stated already, it will look as if we are only legislating for a part of the Province. I take it we are legislating for the benefit of the tenants throughout the whole presidency. Rents were fixed under section 30 when the price was Rs. 10. If the price is low now, the rent also should be reduced proportionately. The rent should be reduced to Rs. 5. The tenants are entitled to some relief. To meet any objection from the zamindars I propose to move another amendment to sub-section (2) of section 39-A to the effect that the reduced rent should not be less than the rent payable by the ryot before the enhancement made under section 30. If you read the reports on the working of the Madras Estates Land Act, you will find that there have been a large number of cases where the rent was enhanced. Several hon. Members might have read this fact from the newspapers also. The Maharaja of Pithapuram has filed thousands of petitions for enhancement of rent and the *Mail* and the *Hindu* published the judgment of the Divisional Officer to the effect that according to law existing, you will have to increase the rent in spite of the falling prices. There is no scope for reducing the rent, because the Divisional Officer will have to take into account the average price for the last ten years. During the last ten years prices were high. Therefore the ryot has to apply for remission according to the provision of this Bill. There are several thousands of such cases. As I read through the report, I found that there are a number of cases in the Vizianagram Estate. I have quoted the instances of two big estates. If you care for the interest of the tenants generally in the whole presidency, you must have a reference to section 30 in this clause, and get some sort of concession in the shape of remission as other tenants would get under Chapter XI or under section 40. With these observations I commend this amendment to the vote of the House. In doing so, I would make an appeal to the Hon. the Revenue Member; of course this is not a matter between the zamindar and the tenant; as I say, I am not a zamindar or a tenant; personally I am not affected. But all that I ask the Hon. the Revenue Member is to consider this question from the aspect of the interests of the people at large and to see that the interests of the general population do not suffer. After all, this remission is to be given only for a single year. If the zamindar is kind enough, prudent enough, he would not allow the thing to go to the Collector; he will

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grant the remission himself; he would enable the tenant to get some relief. I appeal to the Hon. the Revenue Member to see that the interest of the general population is safeguarded."

The RAJA OF KHALLIKOTE:—"As I have given notice of a similar amendment, I have great pleasure in seconding this amendment. With your permission, I shall continue my speech after lunch."

The Council then adjourned for lunch.

(After Lunch—2-30 p.m.)

IV.—STATEMENT *RE* LAND REVENUE REMISSIONS.

* The Hon. the PRESIDENT:—"The Hon. the Revenue Member desires to make a statement."

The Hon. Sir CHARLES SOUTER:—"Mr. President, Sir, I have decided to interrupt the proceedings of this House on a day allotted for non-official business, because in the course of the debate, I think perhaps I should not have time to make any statement subsequently. All I have to say is that the Government have decided to grant land revenue remissions—not mere postponement of collections—to the same extent as they granted last year."

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 2 OF 1935)—*cont.*

* The RAJA OF KHALLIKOTE:—"The Bill is made applicable only to cases in which rent has been commuted under section 40 or settled under Chapter XI. My amendment is to enlarge the scope of relief to be given to the tenant and therefore make the bill applicable to all cases where the rents have been fixed on the basis of prices and where they cannot be altered for 20 years thereafter.

"Take for example section 40. Under section 40 (3) (a) the Collector shall have regard in commuting rent to the average value of the rent actually accrued due. The expression 'average value' can only mean value in money. And such value in money can only be ascertained by first ascertaining the rate at which paddy was selling in a particular year. It means that the prices of paddy or any other produce will be a very large factor in proceedings under section 40. Now if we take section 41 we find that the rent fixed under section 40 cannot be altered for 20 years thereafter on the ground of rise or fall in prices, because you will find that section 30, clause I is excluded under the section (section 41) as one of the grounds for alteration.

"The general effect of commutation proceedings is, therefore, that prices will largely enter into calculation in fixing the amount of rent and such amount cannot be altered for 20 years thereafter.

"Now take Chapter XI. Under section 168 under which rents are settled the Collector shall have regard as per sub-section (2) to rent or rates of rent previously existing. And under rule 18 of the rules made under the Act the Revenue Officer shall have regard to the provisions of Chapter III. Now Chapter III begins with section 24 and

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ends with section 49. It, therefore, includes sections 30 and 40. Therefore in settling rents under Chapter XI, the Collector will have to take prices into consideration. And as under section 41 the rents so settled cannot be altered for 20 years thereafter on the ground of rise or fall in prices—vide section 177.

“ Now take section 30. Under this section sub-clause 1 the landholder may apply for enhancement of rent on the ground that during the currency of the existing rent there has been a rise in average local prices. I emphasize the words ‘ local prices ’ to show that prices are the main and only consideration for getting relief under this subsection.

“ Under section 39 the ryot can apply for reduction of this enhanced rent only once. But if once he gets a reduction and subsequently there has been an abnormal fall in prices, he cannot ask for further reduction for 20 years thereafter. This is really a calamitous state of things for the ryot. The whole object of this bill is to give relief in cases of abnormal and extraordinary fall in prices. Prices are as much an important consideration in commutation and settlement proceedings as under proceedings under section 30. The rent enhanced under section 30 are nearly as unalterable for 20 years thereafter as rents commuted or settled. As a matter of fact the legislature requires the Collector to keep in view provisions under Chapter III in settling rents under Chapter XI. And section 30 is in Chapter III. It would be incongruous if you refer in this bill to section 40 and Chapter XI only and omit section 30. While you are making provision to give relief in comprehensive cases covered by Chapter XI, you are making provision for only one subsidiary case, namely, commutation proceedings under section 40. My amendment is intended to make provision for relief in all subsidiary cases. This is the only logical and honest way of framing the Bill.

“ Although the acute situation of prices has improved during the last few months, there is no denying of the fact that recent times have been such that the ryot deserves some relief, in spite of the fact that this is given invariably through the good will of the landholder who is, after all, more interested in the welfare of his ryots than anybody else. As there seems to be agreement on this point the only difficulty raised is this. In what way can this temporary relief, to meet the exigencies of the situation, be provided for successfully, so that whatever provisions are made they will give the ryot the speedy and required relief, without, at the same time, embarrassing the landholder and creating complications in the working of the existing Act. We have to also see that the measure gives the ryot concerned the real benefit which it is intended to do, and that the relief given is universal, that is, applicable to all Estates in the Presidency. I am surprised that while a greater measure of relief to the ryots was proposed the hon. Member from Ganjam, pretending to be championing the cause of the ryots, should be lukewarm about the larger relief for reasons

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best known to himself. The Bill of my hon. Friend from Ganjam may perhaps only benefit a very small section of the ryot population, confined to a very small area and cannot be called a comprehensive measure intended to give relief to the entire ryot population, wherever they deserve it. Besides, the Bill as drafted now may only give relief to a very few Estates in the Ganjam district which are going into the Orissa Province very soon and will not apply to other Estates of the Presidency where cash rents prevail.

"Sir, only a few hours ago the cat has been really let out of the bag in the honest confession my hon. Friend, Mr. Mandhatha Gorachand Patnaik made on the floor of this House that the Bill is intended for me and none else. I leave it to the good sense of the House to judge how far it is fair that the Bill should be introduced for the sake of individuals only, or whether it would be fair to shape the Bill in such a way so that it will apply to all the Estates in the Madras Presidency where cash rents prevail. As I have already stated I am not against the main principles of the Bill and as for the question whether there should be a Bill for individuals or for the entire Presidency of Madras this question I am sure hon. Members of this House will decide fairly and equitably. My hon. Friend made certain allegations that the rents in my estates alone are very high. I wish to contradict this statement. Rents in some of the other estates are much higher than mine and particularly enhancement of rents made in some other estates have even gone to the extent of 100 per cent over and above the existing rents. I am speaking from authority when I say that my average rentals are Rs. 8 to Rs. 9 per acre and the highest rental in a few villages is about Rs. 12 per acre. Since the time settlement operations under Chapter XI were taken up in my estates about ten years ago I admit there has been some increase in my rentals but this increase is only about 15 per cent and is entirely due to the fact that large extents of extra lands which were discovered as a result of the survey have been assessed the usual rents.

"Sir, if I am permitted to divulge the proceedings of the Select Committee I wish to state that when I moved this very amendment there under the instructions you gave me, Sir, last time this subject came up before this hon. House, and pressed it for a division, I was shocked to notice that my hon. Friend, the champion of the ryots' cause from Ganjam, I mean, Sir, the hon. the original Mover of Bill No. 2 of 1935, remained neutral along with some others and as for those supporters of the Bill who have been proclaiming from house tops that the principles of the Bill have the entire support of their party, I was much more shocked to observe that they voted against my amendment. I really wonder if there was any need to shed such crocodile tears!

"The main principle ought to be that where prices formed the basis of fixing rent under any provision of the Act there should be scope for reduction when there is a fall in these prices already fixed.

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The Hon. the Revenue Member and my hon. Friend from Ganjam have overlooked a provision in the Act under which prices entered into consideration for fixing the rent. This is section 30. I think that the ryots should get relief also when proceedings have been successfully taken under this section. I also feel sure that if the object of the hon. the Mover of the Bill is to see that relief should be granted universally wherever the ryot deserves it he will not object to my amendment, whatever may be his difficulties or delicacies as I might put them. I also feel perfectly sure that the supporters of this main principle will agree to my amendment.

"It would be destroying the very fundamental idea underlying this Bill if this amendment is not accepted, and if this amendment is not accepted the Bill will be a dead letter and credit will attach to no one. It might appear that influential interests are being safeguarded, while pretending at the same time to give relief to the ryots. It would be a negation of the fundamental idea of the Bill, it would be highly unfair to the ryot, it would be a special pleading for particular interests, it would be kissing or kicking the ryot according to your interests if this amendment is not accepted.

"I have heard that there is a pact that the Bill should go so far and no more. I am not a party to any such pact. I am sure that many hon. Members are not aware of it. Whatever the real implications of that pact are, and whoever are parties to it, all I can say is that it is an undesirable pact and the sooner we back out of it, the better it is for the interests of fair play and justice. Do not pretend to shed tears for the ryot while you are undermining him and destroying his chances of getting any relief.

"Before I conclude, Sir, I think it is desirable that this Hon. House should be in possession of certain important facts that have led up to the present stage of this Bill. Hon. Members will remember some months ago when my hon. colleague from Ganjam introduced his original Bill, the Hon. the Revenue Member stated on the floor of this House that the Bill as drafted is not acceptable to Government and that he would summon a conference of representative landholders and ryots to thoroughly thrash out the question, with himself as President, so that a measure agreeable and acceptable to all parties concerned, viz., the ryots, landholders and Government may be reached and on these points the hon. Member said he would redraft a Bill. As far as I remember, on this assurance, my hon. Friend from Ganjam did not press for further consideration of his Bill at that time. According to this assurance my Hon. Friend the Revenue Member summoned a Conference of representative landholders and ryots who met in his room upstairs during the latter part of October last. At that Conference the Hon. the Revenue Member explained to the Conference fully and clearly the Government's policy on the matter and as there was no agreement among ourselves he asked us to try to come

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to some agreement not only among ourselves but on the points concerning Government about which he expressed himself quite clearly to us. Consequent to this, one or two days later, the Conference met at the residence of the Hon. the Raja Sahib of Bobbili."

* The Hon. the PRESIDENT:—"I wish to know how all this is relevant to the amendment under discussion."

* The RAJA OF KHALLIKOTE:—"I wish to place the facts before the House to judge how far it is fair and I am only defending and speaking in favour of my amendment."

* The Hon. the PRESIDENT:—"If the hon. Member wants to do it, it must be at the time when the Bill is started or at the time when the Bill is closed."

Mr. T. S. RAMASWAMI AYYAR:—"When it is closed it will be post-mortem."

* The RAJA OF KHALLIKOTE:—"At this meeting the Hon. the Revenue Member was not present. Anyhow at this meeting at the residence of my hon. Friend the Raja Sahib of Bobbili, there was no talk or reference to special difficulties expressed by my hon. Friend the Revenue Member, but only the Bill as originally drafted by the hon. the Mover was taken up for consideration. At that time the question was raised that all sections of the Act under which money rents have been fixed, based chiefly on the consideration of prices, may be considered and if necessary the question may be further examined as to the effect of this legislation on all the Estates of the Madras Presidency, to see how far the cash settlements made so far under the different provisions of the Act, would affect the various Estates of the Presidency. This was overruled and we were told that everybody would be satisfied if the Bill only applied to cases under section 40 or Chapter XI and that the Bill need not go further. After that there was a protracted discussion on the Bill as drafted by my hon. Colleague from Ganjam and as it was the sense of friends who met there that some note should be made of points, etc., discussed and as nobody else offered to render this service, I came forward to write down certain points that were discussed. After all this would have really been the duty of some official stenographer, but as there was no such person present and as an idea was expressed that some notes should be made and as we were all by that time suffering from empty stomachs and dry throats, keen to close down this wonderful conference, I offered my humble services to jot down a few points with the only object of closing the meeting quickly. Besides, Sir, I am not an expert in précis-writing and I must admit I have not noted fully all the discussions that took place although I remember distinctly that these points were raised and we were overruled."

"Anyhow, I do not know what transpired subsequently between the heavenly powers of this Government here, but the fact remains that on the 6th November last the Select Committee reported that the Bill

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as originally introduced might be dropped. The Hon. the Revenue Member gave an assurance as I have already stated that if agreement was reached among all parties concerned at the conference, he would straightaway redraft the Bill and allow it to be introduced in this Hon. House. Now the facts are and in fact they are proved through subsequent events that there was no unanimous decision at the Conference that was called, if there was an unanimous decision where was the need for a separate Select Committee to be appointed and for this Select Committee to say on 6th November last that the Bill be dropped? In spite of this recommendation of the Select Committee I do not know what again transpired among the heavenly powers of this place, but this unfortunate Bill which cannot even claim a step-mother or an adoptive father was redrafted, entirely as a new Bill and reintroduced on the 9th November last by my hon. Friend the Revenue Member and subsequently remitted to the Select Committee. It is this Select Committee's Report and this life of this little unfortunate orphan that we are considering now in the shape of this Bill. This child has no doubt no parents—not even a step-mother!

“Sir, I am one of those who feel that the time has come when the ryot should be given some universal relief that will apply to the entire Presidency of Madras, but if this relief is sought to be given, in the name of fair play and justice, and in the pretence of shedding crocodile tears, confined only to a very small area, the effect of which will be that no ryot population in the Madras Presidency will get any relief, I cannot help being sarcastic in the matter.

“With these words, Sir, I commend my amendment for the acceptance of the Hon. House in the sincere hope that whatever relief is granted to the zamindari ryots of this Presidency it may be universal but not confined to particularly small areas.”

* Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil and the following is an English summary of his speech:—“I am not prepared to enter into details. Things have come to such a pass that whatever strikes the mind is passed into law. When it is a question of giving room, Government sit tight and the parties fight. It is the practice of Royalty to allow two people to break their heads in a duel and then confer a medal on one. The Hon. the Revenue Member says that remission will occur very rarely and so it is not harmful. Will fire or poison not affect if it is touched for the first time?

3 p.m. “I appeal to the Hon. the Revenue Member particularly that in this *tamasha* he should bear in mind that both the parties are trusting the Government in the conflict and are looking up to the Government for help. I do not think this Bill will afford any help to anybody, but it will only create a lot of difficulties and differences. The Government should realize what the consequences of these amendments would be, and should not allow things to go too far.”

* The Hon. Sir CHARLES SOUTER:—“Mr. President, Sir, I rise to support this amendment on these grounds. I think the House will

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remember that when Mr. Patnaik's Bill first came up for consideration my main objection to it was that as drafted it was certainly discriminatory in character; in other words, it was a Bill which, whether designedly or not, certainly in effect, would apply only to a very small portion of this Presidency, and in that small portion only to a very small number of zamindars. That seemed to me, Sir, a procedure which was certainly not to be commended. When a Bill affecting the relationship of zamindars and their ryots is brought forward, it ought to be a Bill, unless very special reasons otherwise are given, which will affect the relationship of all zamindars and the ryots. I feel that very strongly, and a Bill, which if brought into law would affect only that small portion of the Presidency and in that small portion only a limited number of zamindars, was not to my mind a proper Bill.

"Now, Sir, take section 30 of the Estates Land Act. There is very little to add to the detailed criticism which the Raja of Khallikote has given in his speech. But section 30 of the Act is a most important means by which the zamindar can increase his rents. It is a means by which, solely on the ground of rise in prices, he can ask the court to increase the rent by two annas in the rupee, that is to say by 12½ per cent. Note particularly that this increase in rent is on the ground of a rise in prices. Now, compare that, Sir, with the present Bill. The present Bill purports to enable the ryot to have his rent reduced on exactly the same ground, namely, fall in prices. But where in logic, in reason, while the zamindar has his rent raised on the ground of rise in prices, should the ryot not have a claim to a reduction of rent in this case when the price has fallen? Let us put the issue squarely and fairly before the House. How in logic can you refuse to the ryot the remedy which the zamindar or the landholder himself has got when there is a rise in prices?

"Then, Sir, if section 30 is introduced as the amendment proposes, we all know the result will be that the Bill if passed into law will apply practically to all zamindars, to all landholders who have applied to the courts for increase of rents under section 30. All have not done so, but a great many have. I do not wish to particularise as my hon. Friend Mr. Peddi Raju did. But it is undoubted that since the landholder was given this power to increase his rent under section 30, that power and privilege will be very widely taken advantage of, and I must say in most cases, with some justification, because in a great many of these estates the rents have not been altered for some fifty or hundred years and even more, and when there was a large increase in prices, legitimately the zamindar would turn to the ryot and say that some of the benefit as a result of the increase in the price ought to come to him. Conversely and logically, when there is a large fall in prices, the ryot can come to the zamindar and say, 'let me be given the advantage of the fall in prices.' That will be the result of the introduction of section 39-A of the Bill into the Estates Land Act. Personally, I hold personally that where we pass legislation of this kind it must be legislation which should apply generally. Secondly, I

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accept this amendment on what I consider a stronger ground and that is one of logic and pure justice to the other party. With these words, Sir, I strongly support the amendment."

* The KUMARARAJA OF VENKATAGIRI:—" Mr. President, Sir, as one of the zamindars belonging to a political party, namely, the Justice Party, which claims always the credit of striving its best to hold the scales evenly between the various conflicting interests, and in this particular case between the landholder and the tenant, it is my melancholy duty to deal with certain personal reflections and aspersions cast quite unwisely by some speakers during to-day's debate. Sir, it pained me to notice charges being made in connexion with the proceedings of an informal meeting held in the private residence of the Hon. the Raja Sahib of Bobbili. Perhaps it is the decree of fate that to-day should have been the day when two similar allegations should have been made by them in connexion with this Bill and also with another Bill which preceded this. Of course, it is not my purpose nor can I refer to the other charge, having lost the opportunity to catch the Presidential eye at the proper moment. As I started saying, the zamindars realize that it is their imperative duty to recognize every legitimate demand of the tenant while at the same time also discharging the duty which they owe to the class they belong and in whose usefulness they still believe, namely, the protection of the vital interests of that class. I take also this opportunity of expressing my gratification, barring this unfortunate measure, at the general recognition which the zamindars have received to their representations to the various Members and groups in this House. It has been alleged, Sir, that the scope of the proposed measure is very narrow, and the charge has been made that the supporters of this Bill, having nothing to lose by it, can afford to be generous at others expense. I consider it my duty to remove any such wrong impression by stating that this Bill affects the Venkatagiri estate considerably and very substantially the Bobbili estate. For this reason, I hope that all the hon. Members who have made that allegation will now revise their opinion.

" Coming now, Sir, to the reference made by my hon. Friend, the Raja Sahib of Khallikote, to the proceedings of the meeting held in ' Branson Bagh,' I may at once state that while sympathizing with his inability to be as good a shorthand or precis writer as a professional could be, I cannot but repudiate the allegation, namely, that even in that meeting this question was raised by him.

3-15 p.m. " This was raised in the Select Committee meeting and it was also proposed by my hon. Friend, the Raja Sahib of Khallikote, and we considered it our duty to vote it down. But, Sir, to say that this was raised by him at ' Branson Bagh ' and that he was not a party to what he described as a pact does indeed pass my comprehension. Suffice it now for me to say that it is very unfortunate that these personal aspersions have been cast in this debate. I think it is the duty of every legislator to view every question on its merits and not to consider it on purely personal grounds.

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“Again, Sir, we claim the credit of having considered the various proposals affecting the relationship between the landlords and tenants which have come before this House, basing my claim on the testimony given by the late lamented Diwan Bahadur Muniswami Nayudu Garu who was a very zealous and unyielding champion of the tenants’ cause, that we always to the best of our ability endeavoured to do justice to the tenant. In connexion with this amendment which is now before the House I wish to submit that injustice may be done to certain zamindars who have not given effect to this provision, namely, section 30 of the Estates Land Act and enhanced their rent. Even in cases where such an attempt was made, the courts might not have given to the fullest extent the benefit that was due to them on the basis of the prices. In such cases, even if the increment that was given has to be reduced, certainly it would be an injustice to the legitimate claims of the landholder coming under that category if enhanced amount is reduced. Being a zamindar in whose zamindari there has not been any enhancement for the last forty or even more years, and where commutation took place under section 40 and also resettlement under Chapter XI and therefore liable to be affected by the changes made, I still feel that what is now proposed, namely, to give benefit in those cases which come under section 30 also is unjust. But the second amendment of my hon. Friend, Mr. Peddi Raju, would, I think, minimize the injustice that may be caused to the zamindars. There is a consequential amendment which Mr. Peddi Raju has promised the House to move provided that amendment is accepted. With these words, I resume my seat with the confidence that when we go to the electorate we can claim to have done our best to do justice to the various conflicting interests.”

Rao Bahadur Sir A. P. PATRO:—“Mr. President, Sir, I think on this occasion Government have shown themselves to be very impartial and willing to do justice all round. I am very much gratified and would compliment them on this occasion.

“The question before the House is the amendment moved by my hon. Friend, Mr. Peddi Raju. This is not a new amendment but it has come up for the first time here. The hon. the Mover has himself stated that the scope of this Bill is limited to temporary fall in prices. It is a very elastic provision made by the hon. Member who is a clever lawyer. This provision has been considered for a long time. The reasons which led me in the first instance to support my hon. Friend’s Bill were that since 1930–31 there has been a fall in prices and therefore relief is needed for the ryots. The ryots in many cases have not been able to pay their rent at all. The produce of the land was not sufficient to meet the rent. Then again, the landholders of this Presidency have been granting remissions and showing concessions to ryots from time to time, but there was no legal obligation on them to continue them; therefore, the hon. Mover thought that what is in practice which the zamindars have been following all these years, should be embodied in the statute. Therefore, I said that there is nothing new in the Bill but the Bill as it came out of the Select Committee is

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rather of a restricted scope. I do not think that it is intended that it should have any restricted scope for this reason. There are three classes of cases under the Estates Land Act. First there are cases coming under section 40 where there may be commutation of rent where rents were paid by ryots at the interference of the middleman—I have experience of this in my own district—and the happy relations that subsisted between the landlord and tenant in many cases became strained on the interference of this middleman. The second class of cases come under Chapter XI where the ryots thought that by means of this survey and settlement, they would be in an advantageous position. The ryots were not willing to undergo all these troubles but the agitators or middlemen instigated them, and this act of theirs is responsible for the present unhappy state of things. In addition to these two classes of cases, there is a third class of cases. Section 30 of the Estates Land Act says:

‘Where for any land in his holding a ryot pays a money-rent the landholder may institute a suit before the Collector to enhance the rent on one or more of the following grounds:—

“The first ground is ‘that during the currency of the existing rent there has been a rise in the average local prices of staple food crops in the taluk zamindari division’;

“The second ground is ‘that during the currency of the existing rent, the productive powers of the land held by the ryot have been increased by an improvement effected by, or at the expense of, the landholder’;

“The third ground is ‘that a work of irrigation or other improvement has been executed at the expense of Government, and the landholder has been lawfully required to pay in respect of the holding an additional revenue or rate to Government in consequence thereof’; and

“The fourth ground is ‘that the productive powers of the land held by the ryot have been increased by fluvial action.’”

These are the conditions under which a landholder is entitled to enhance the rent, the chief being rise in prices. Now in the local areas of various estates, prices have fallen and it is but natural that remissions should be given where such conditions prevail. Therefore it should be of universal application. There is another point. A recent order was issued by the Government on the fasli 1344 review. In that review, the Government have pointed out that a very large number of applications have been made in the several districts under section 30 for enhancement of rent and this has given rise to a large volume of work. Therefore, Sir, it seems to me that a remedy is absolutely necessary to the ryots in the estates who have been subjected to such enhancement, whether on commutation grounds or on the ground of survey and settlement. The case for the ryot is very strong, and the House which has carried the first amendment to clause (1), viz., that there should be a universal application immediately of this Act, should extend that principle to this amendment also, so that they may not be doing injustice to anybody. The two being connected, there is no reason why this amendment should not be accepted. I know the amendment may cause hardship to many estates. But the whole Bill is intended not as a permanent measure, not as a measure which will affect the landlord and tenant for ever and ever, but only when such

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conditions prevail, namely, fall in prices and the conditions mentioned in the Bill. And only if those conditions are satisfied, relief would be given. I am not in favour of those restrictions, because the ryot wants relief urgently; why should we place these restrictions on him? Anyhow, so far as the Bill goes, with this amendment, I think it will be a very useful measure and will help the ryots very much."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, while some 3-30 of us appreciate this move for an agreed amendment, speaking for P.M. myself, I am not able to see how some of us can agree to the other amendments which Mr. Peddi Raju proposes to move. I do not want that it should be understood that the House is going to accept this amendment with any condition attached with regard to the later amendments."

Mr. P. PEDDI RAJU:—"Sir, I am very thankful to the Hon. the Revenue Member and to the Kumararaja of Venkatagiri for having supported this motion. As I said, there is a feeling among the zamindars that this would be a great inconvenience to them. But I submit that it is not correct because if there is a rise in prices it would not apply at all. It is a matter of give and take. When the prices are very low, the zamindars are helping the ryots. From the Administration Report it will be seen that they are helping their tenants even now and so helping themselves. In spite of this policy of give and take, you will see from the report that 14,000 holdings have been sold in the last fasli for sums which are below 50 per cent of the estimated value. In such cases, in the case of zamindars who do not care for the interests of the tenants, the Government can come in and better the relations and help the poor tenants. So, Sir, my appeal to this House is that nobody should labour under a misapprehension regarding the scope of this measure. Both in the interests of the zamindars as well as in the interests of the tenants, this amendment should be accepted."

* The Hon. the PRESIDENT:—"I will put the amendment to the vote of the House. The question is:

'In clause 2, section 39-A (1), after the words "where the rent of any land has been" insert the following :—"enhanced under section 30 or".'"

The amendment was put and carried.

* Mr. P. PEDDI RAJU:—"I beg to move—

'Add the following proviso to sub-section (2) of section 39-A in clause 2 of the Bill:—

"Provided that the rent after remission shall not be less than the rent payable by the ryot before the enhancement made under section 30."

Sub-clause (2) runs as follows:—

'The rent after remission shall bear to the rent lawfully payable for the time being, the same proportion as the average prices during the twelve months ending with the 31st March of the revenue year, in respect of which such remission of rent is claimed, bear to the average prices, on the basis of which the rent had been previously fixed.'

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“I want to add a proviso to this in the manner proposed by me. My idea is this: supposing the rent on the land is Rs. 10 and section 30 is applied and it is raised. That means that there has been a rise in prices. Subsequently prices fall. I suggest that in such a contingency the remission that is to be granted should be only to the extent of the enhancement made and not more than that. Of course there will be difficulties in the way. But I gave notice of this amendment because in the private conferences when the representatives of the ryots claimed that this section 30 should be introduced, it was argued on behalf of the zamindars that there will be a difficulty. Supposing the rent is about Rs. 10 and there is an enhancement of Rs. 2. The price will then be Rs. 7 a bag. Supposing later the price comes down to Rs. 3-8-0 per bag and if the rent is to be reduced in proportion to the fall, it would be much less than what it used to be for half a century. In those cases also you should be entitled to ask for remission. It is for meeting such cases that I have suggested this proviso.

“I understand from my hon. Friend, Mr. Ramaswami Ayyar, that he is not agreeing with my view. His argument is that supposing the prices fall much below those prevailing at the time the rents were originally fixed, is it fair that the tenant should continue to pay the same rent or get only a reduction of two annas in the rupee? There is no doubt some logic in that argument. But as practical men we must recognise that there has been no enhancement prior to 1908 and that subsequently rents have been raised only when there has been rise in prices. The present prices also are not much below the 1908 level. That is why I suggested that this will work. I do not know whether future contingencies will make the rent go up further. Anyway, we are not providing for future contingencies. If such contingencies arise in after years, we can suitably amend the Act then. Sir, I have given my reasons for including this proviso and explained to the House that there is nothing wrong in introducing this proviso now. If it works hardship there will be time enough to suggest subsequent amendments.”

Sriman M. G. PATNAIK Mahasayo:—“I second the motion. The hon. Mover has elaborately explained the need for this proviso. I therefore wish to say that no doubt if pure logic is to be adopted in all these matters, we cannot arrive at a satisfactory solution. So far as the Settlement Chapter is concerned, the Estates Land Act has been pronounced to be very satisfactory by a Full Bench. Somebody has to overhaul the Estates Land Act some time or other; but until that is done we have to be satisfied with some patchwork. We have to give relief wherever temporary relief is considered necessary and for that purpose this Bill has been introduced. So far as section 30 is concerned, no doubt, Mr. Ramaswami Ayyar thinks that the ryots should be at liberty to apply for reduction of rent even if the rent is below that prevailing half a century ago. But my hon. Friend must bear in mind the fact that we have practically no data as to how that rent was fixed and no materials to show what the prices then were. Therefore there would be a good deal of difficulty to work

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out such a provision. That being the case we must leave the provisions as they are. We cannot take a very long view of the matter. This must be taken only as a patchwork as explained by the hon. Mover. When the time comes for overhauling the entire Act we can have a more satisfactory Act. Now of course the objection of the landholders with regard to the enhancement under section 30 being governed by this Bill has disappeared with this proviso. They cannot say now anything against this proposition that this Act should affect only the amounts enhanced under section 30 and not the rent originally fixed. Of course if the original rent had been fixed under section 40 or under Chapter 11, then it would be affected by the first part of the section and, if it had been fixed some years ago, then it would not be affected at all. That would be the effect of the provisions of this Bill. I therefore support the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, the arguments ably advanced by the hon. Mover and the seconder of the amendment have left me unconvinced. It has been said by the hon. Member from Ganjam that this is only patchwork. He also said that there is logic in my position. Both the Mover and the seconder have anticipated my remarks. I find that my apprehensions have not been dispelled by their arguments. If some years ago, the rise in prices had necessitated the rise in rent, it is logic that when the prices topple down the ryots must have the right to get the rates reduced. We have now for some years fought the Government on this issue and I think we have fairly won. For a long time it was said that a reduction in the land revenue, merely because of fall in prices, was an inroad on the whole land revenue system which was invulnerable. But in the last few years the Government have seen that they could not stick to that point and that justice requires that the ryots at critical periods deserve sympathy and agreed that fall in prices was a reason for remission. The Government have also made necessary modifications in the Board's Standing Orders. That reason applies equally in the case of the zamindaris. If a ryot's rent has been increased abnormally, certainly the ryot is entitled to relief when the prices come down.

"The hon. Member from Ganjam said that it is not likely that there would be many cases where prices have come down and that there might not be data. We are not now legislating for a position of which we are not sure. We merely say that the ryot is entitled to remission if it is said that the commutation rates that were fixed long ago were not based on correct data and that prices that rule now are very low. The ryot has to prove his case. If he has not proved his case already, it is now necessary for him to prove that years ago the commutation rate was very high when compared with the prevailing prices now. We cannot say that there are no data. It is for the ryot to furnish data. It is our duty to say that he has got to prove his case in a Revenue Court. That is the position that I take up. If hon. Members can convince me, certainly I do not want to create

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difficulties. I feel that the ryot's privilege should not be lightly brushed aside. If you accept the principle enunciated in the Bill, this is the only conclusion that we should come to and no limit should be placed on the remission that the ryot is entitled to. I therefore oppose the amendment."

* The Hon. the RAJA OF BOBBILI:—"I am afraid the hon. Member for the University has intervened in this debate without understanding the whole position. Similarly he thought yesterday, when we were discussing the Public Services Commission Bill, that we were discussing the report of the Public Accounts Committee. If hon. Members have followed the various stages of the Bill, they are entitled to express their opinion. Whether we differ or agree, it is a different matter. Now it is not a case of the ryot being shut out of the benefit in reduction. There are three classes of estates which will be benefited under this Bill. Firstly, there are estates where rents have increased under section 40, secondly there are estates where grain rents have been commuted into cash rents and thirdly there are estates which come under the amendment of the hon. Member, Mr. Peddi Raju, where rents have been increased under section 30. In the case of estates which have been settled under section 40 or Chapter XI, this Bill does not lay any restriction or limit the powers of the court in granting any reduction or remission of rent in proportion to the fall in prices. But in the third class of cases, it is admittedly estates where rents were fixed half a century or before and where it will be impossible for the court to arrive at basic figures on which the previous rents were fixed. In such cases it is proposed by this amendment to extend the benefit to the ryot by enabling him to apply to the court. But at the same time it has to be pointed out that by providing for this right, you should not allow the old rates also to be opened. For example, if the rents were Rs. 8 an acre and there has been an enhancement by Re. 1, now that the prices have fallen, it is but fair that there should be a reduction of Re. 1 and that we should revert to the old rent. There is no reason behind the argument that we should also reduce the old rents. As a matter of fact even under section 30 the number of estates that have taken advantage of that section is only a small percentage of the estates in the Presidency and if my hon. Friend, Mr. Ramaswami Ayyar's contention is upheld it would really mean that in these few estates you will be not only reducing the enhancement which they are legitimately entitled to under the old conditions, but you would also be cutting the old rents, and at the same time in the case of rents in other estates you will be leaving them alone though they did not have recourse to courts. I do not understand how the landholders, in whose cases the courts have found there was a case for enhancement under section 30, could be placed under any disability of not applying to a court for enhancement and at the same time the old rents which have been existing for generations should be further cut down. It may be asked what is the remedy to the tenants if there is a permanent fall in prices. I may state that the only object of this Bill is to provide temporary

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relief to meet the present phenomenal fall in prices and it is not sought to provide for conditions where there is a permanent rise or a permanent fall in prices. If as my hon. Friend, Mr. Ramaswami Ayyar said, there is a permanent fall in prices, there is already a provision in the Act by which the ryots can get a permanent reduction in rent, and the consequential amendment to the amendment which my hon. Friend, Mr. Peddi Raju, has now moved is not necessary. Otherwise, we will be creating a great deal of confusion in the courts for it is admitted on all hands that the old rates were not based on any average prices or any basic figures. There are neither data, nor any guidance for the courts or the parties to arrive at any basis if this amendment is not carried out. I therefore feel that the objection raised by my hon. Friend, Mr. Ramaswami Ayyar, is really untenable. I hope the House will now unanimously pass the amendment of my hon. Friend, Mr. Peddi Raju."

* The Hon. Sir CHARLES SOUTER:—"My difficulty about this amendment is this: it makes no difference between estates in which rents are high and those in which they are not high. In some estates the rents are considerably higher than rents in other estates. It really resolves itself into this: are those rents which are high proper rents? As my hon. Friend, the Chief Minister, said, it is impossible for us, with the data at our disposal, to say what is high rent, and what is not. I recognize that this amendment is in the nature of a compromise and it is more or less a make-shift. I think that that the relief afforded to the ryot in this case is anyhow something which perhaps in some cases may not be altogether adequate and I am prepared to accept the amendment."

The amendment was put and carried.

* The Hon. Sir CHARLES SOUTER:—"Sir, I beg to move—

'In line 10 of sub-section (5), for the words "the rest of the rent," substitute the words "the remaining portion of the rent".'

This is merely a drafting amendment."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 3—Section 215.

* The Hon. Sir CHARLES SOUTER:—"I beg to move the amendment that stands in my name and which runs as follows:—

'(1) For the opening paragraph of sub-clause (i), substitute the following:—

"(1) in clause (1) of the second paragraph—

'(a) the word "and" at the end of sub-clause (b) shall be omitted and at the end of sub-clause (c), the word "and" shall be inserted; and

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(b) *after sub-clause (c), the following sub-clause shall be added, namely:—*

(2) *In line 4 of sub-clause (ii), before the word “determining” insert the word “for”.*

Sir, these are only drafting amendments and I think no comment is needed.”

The amendment was duly seconded.

The amendment was put and carried.

Clause 3 as amended was put and carried.

Preamble.

4 p.m. * The Hon. Sir CHARLES SOUTER:—“ Sir, I beg to move—

‘In line 2 of the first paragraph, for the word “purpose” substitute the word “purposes”.’

This again is only a drafting amendment.”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ I second it.”

The amendment was put and carried.

The Preamble as amended was put and carried.

Sriman M. G. PATNAIK Mahasayo:—“ Sir, I beg to move that the Bill be passed into law. In doing so I thank the Hon. the Chief Minister and the Hon. the Revenue Member for having facilitated the passage of the Bill through all its stages. I do not wish to speak at length on this motion and detain the House, for hon. Members who are waiting to move resolutions standing in their names will curse me, including also those hon. Members whom I want to thank for the help they have rendered in this connexion.”

Mr. C. BASU DEV:—“ I second the motion.”

* The Hon. the RAJA OF BOBBILI:—“ Sir, I feel it my duty to answer some of the accusations made on the floor of this House by my hon. Friend the Raja Sahib of Kallikote. I thought you might rule them out of order as being irrelevant if I made those observations in connexion with the amendments to the Bill. I have followed your advice and taken this opportunity to say a few words, as otherwise I might be misunderstood if I recorded a silent vote. On more than one occasion during the various stages this Bill has gone through both in the Select Committee and in the Council I have explained to the best of my ability the origin of this Bill. Even at the risk of repetition, I wish, if hon. Members will bear with me, to say a few words.

“ As the records of the Legislative Council will prove, the principle underlying this Bill which has just been enacted by this Hon. House was embodied in the list of amendments given notice of by members of the Justice Party in 1933 to the amending Bill then being piloted by Sir Archibald Campbell. At the suggestion of the then Hon. Member in charge of Revenue a conference was called at my residence in 1933.

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We considered the various outstanding problems which required solution regarding the difficulties of both zamindars and tenants. As a result of that, a number of amendments were given notice of in this House. Those amendments had been accepted at a Party meeting. But subsequently during the Council stage of the Bill, the amendment to clause 8 was ruled out of order by you, Sir, on the ground of its being outside the scope of the Bill then introduced. Subsequently, my hon. Friend Mr. Patnaik brought forward a separate amending Bill to give effect to the previous decision of the Party. There is therefore nothing strange or unnatural in the Party which has sponsored the changes in the earlier stages giving wholehearted support to this measure.

“ Sir, I need not repeat particulars regarding the further stages of the present Bill, but I will only state a few facts about the conference which was held, if I remember aright in November last, to consider the present Bill at the suggestion of my Hon. Colleague the Hon. the Revenue Member. Several hon. Members were present there and after a great deal of discussion we arrived at certain conclusions which were embodied in amendments given notice of in connexion with that Bill. As far as I could remember, the only point on which there was no agreement was with reference to the deposits to be made by the ryots on application. My hon. Friend the Raja Sahib of Khallikote insisted that the ryots should deposit 75 per cent of the rents with their application. He also insisted that the application must be by not less than 25 per cent of the ryots of the village. Of course this proposal did not command any support from various Members of the House. Apart from that, various other proposals had been agreed to by the various Members present there. In this connexion I may also state that those hon. Members who claimed to represent the tenants were very reasonable, understood the viewpoint of the landholders also and we left the conference with the impression that by our labours we had been able to find a happy solution to the immediate problems presented to us in the Bill. But to-day I am painfully surprised to note from the speech of my hon. Friend the Raja Sahib of Khallikote that he was not a party to any of those agreements and that he was only playing the part of a stenographer in recording them. I may state that this statement is absolutely untrue and I am sure the various hon. Members who were there will also agree with me. I may also state that the other statement that he raised the point that section 30 should be included is not correct. It was raised by Mr. Peddi Raju. . .”

* **THE RAJA OF KHALLIKOTE:**—“ On a point of personal explanation, Mr. President, as far as I could remember, even at the beginning of the conference I raised the question of the other sections of the Act and the general effect of the Bill on all the estates of the Presidency and said that they also must be included within the scope of the Bill, but we were overruled and told that the conference wanted only section 40 and Chapter XI to be dealt with and not the other sections. It does not mean that I gave up the idea. It was only after that that

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I began jotting down notes. I think the hon. Members Mr. Ramalingam Chettiyar and Mr. Peddi Raju will bear me out when I say that this question was moved at the beginning of the conference."

The Hon. Sir CHARLES SOUTER:—"May I just suggest that these recriminations are unnecessary and they need not be pursued further? I do not think it is going to help either this side or that side, this Gentleman or that Gentleman. Therefore I do not think these matters need be gone into."

The Hon. the RAJA OF BOBBILI:—"Sir, I never wanted even to intervene in this debate. However I thought I would be failing in my duty to myself as well as to this House if I did not place these facts before the House. I am sure my hon. Friends Mr. Peddi Raju and Mr. Ramalingam Chettiyar will support me in my statements. However, in deference to the wishes of the Hon. the Revenue Member, I do not want to meet the other charges made against us by the Raja Sahib of Khallikote. I will only, if you will permit me, deal with some of the general aspects of the question.

"Sir, unfortunately I have not got the facts and figures before me, and it is not possible except for the Government to collect the data. However, it is not correct to say that there are only a few estates in Ganjam district which are now going away to Orissa Province which would be affected by this Bill. There are numerous important estates which have been surveyed and settled and whose rents have been commuted under Chapter XI. Apart from the amendment of Mr. Peddi Raju which has now been accepted by the House, this Bill will certainly affect all those estates if the prices during the fasli for which the application is made are lower than the average prices at which the old commutation rates or the settlement rates were adopted. Therefore it is rather unfair that a charge should be made that this Bill is commanding this amount of support in the party because it is only going to affect a few landholders and not others. I do not know whether this hon. House has realized that by this Bill we are agreeing to a very far-reaching principle that rents should vary in proportion to the market prices of the produce. If this Bill has been supported and—I am now happy to say—has reached the final stage, it is not because I wanted to get any political *kudos* for me personally or to satisfy myself for any grievance against any particular individual, but it is because I felt that it was not only in the interests of the ryots but also in the interests of the landholders that every reasonable effort should be made on both sides to make the position of the tenant as comfortable as possible, consistent of course with the right of self-preservation of the landholders themselves. I for one can state I have no personal axe to grind nor will I be in any way benefited by furthering any legislation which would affect only certain persons against whom I really bear no grudge and to whom all these years I have done everything possible by way of assistance and help. Perhaps in view of the future constitutional changes, politically speaking it was considered

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lightly to make these unfounded charges, but I may advise my friend that whether now or in future, such attitude and such actions will not benefit anybody."

* The RAJA OF KHALLIKOTE:—"I wish to state that the Hon. the Revenue Member mentioned the defects of the Bill much more vehemently than myself. Anyhow I am glad that better sense has at last prevailed and the amendment has been accepted by which the provisions of the Bill will apply to all cases in the Presidency. I am sure the original intention was different."

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The Hon. the RAJA OF BOBBILI:—"The original intention was that the Bill should apply to as many estates as possible."

The motion was put and carried and the Bill was passed into law.

V.—A BILL FOR THE PROTECTION OF VILLAGE OFFICERS
IN THE MADRAS PRESIDENCY.

Mr. A. RAMAKRISHNA REDDI:—"Sir, I beg to move for leave to introduce a Bill for the protection of village officers in the Madras Presidency."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"I second it."

The motion was put and carried.

Mr. A. RAMAKRISHNA REDDI:—"I introduce the Bill."

VI.—THE MADRAS EMPLOYEES' PROTECTION BILL.

Mr. C. BASU DEV:—"Sir, I beg to move for leave to introduce the Madras Employees' Protection Bill."

Mr. A. RAMAKRISHNA REDDI:—"I second it."

The motion was put and carried.

Mr. C. BASU DEV:—"I introduce the Bill."

VII.—MOTION UNDER STANDING ORDER No. 33.

Mr. T. S. RAMASWAMI AYYAR:—"Sir, under Standing Order No. 33 I move that all the other items of business on the agenda be passed over until resolutions Nos. 9 and 10 are disposed of."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

Mr. M. S. SRESHTA:—"Sir, I beg to oppose the motion; there is one important item in the agenda. This is the third time that the resolution regarding the aided elementary schools has been balloted (I have already given my reason for opposing this motion). I can understand the importance of the motion which is sought to be moved at once. But at the same time the resolution in regard to elementary schools has been pending for the last two or three years. Conferences have been held everywhere in the Madras Presidency and some opportunity may be given to move this resolution. I promise I shall not take much time over this resolution. The matter is not controversial. The resolution can be considered in 15 or 20 minutes and there will be time enough to take up the other items. I am very sorry I have to oppose this motion."